October 11, 2012

Memorial Hall Library, Elm Sq., Andover

Present were: Anderson (Chair); Brown (Acting Clerk); Jeton, Member; Baime and Boness (Associate Members). Also present was Judi Barrett, MHP Technical Assistant to the Town.

The meeting opened at 7:12 p.m.

Petition No.: 3952

Premises affected: 0 Lowell Street & 0 Greenwood Road

Petitioner: AA@RG

Anderson disclosed that he and Attorney Donald Borenstein, Attorney Mark Johnson's partner, share a client, but that he feels he can act impartially. No one objected to his participation. Anderson entered into the record the receipt on 10-5-12 of Rolling Green plans dated 6-15-12. Johnson noted that the revision was the removal of the lofts. He also noted the email submission on 10-5-12 of the easement plan, ANR and grading plan, emphasizing that the easement for pedestrian access is not part of the open space. Also entered into the record were the following documents:

Robert Douglas, Conservation Director's letter to DEP dated 10-5-12, a letter from the Chair of the Board of Selectmen dated 10-5-12, and a draft approval decision from Judi Barrett. Johnson submitted an updated plan list with revision dates. Tonight they will present the sound study and discuss open space and conditions.

Marc Wallace, QEP, submitted a sound study dated 10-9-12 and summarized his findings. The study was conducted in May 2012 to measure courtyard noise and it was found to comply with HUD standards. The change will be negligible within the courtyard area and the sound levels are too low for MA DOT noise abatement programs. The Board discussed noise level standards, sound barriers, noise reducing glass, sound leakage, and conditions to upgrade the windows to maximize noise abatement. Jeton pointed out that MA DOT did a sound analysis a few years ago when the land was still in use as a golf course. The Board asked several questions regarding the sound study: length, weather conditions, differences for weather, traffic, whether a wet & dry study are done to average the findings, seasonal fluctuations/variables, the use of a 3D model to simulate the conditions after construction of the project, where & how the noise level is measured on the buildings/trees, as well as acceptable noise levels inside & outside the buildings. Anderson asked Wallace to write a short condition for discussion and inclusion in an approval.

Johnson discussed several conditions in the draft approval, specifically A4, F.12 & E.1.B. Bob Golledge will submit the plan entitled "ISLF Sheet No. 1 details". The Board discussed the Isolated Land Subject to Flooding and the options available under local, state and federal guidelines. They intend to pursue all applicable permits to comply with the decision. Anderson suggested an 'either' approach to facilitate proper permitting. Keith Saxon, resident, spoke on uplands mitigation and the uncertainty of why a 401 or 404 permit would be an issue. The Board suggested that the applicant could ask for a minor plan modification if necessary at a later date. The applicants voiced concern over potential delays due to the permitting process regarding wetlands. Barrett asked for an 'either / or' plan labeled for the record.

Bob Golledge reviewed the access to open space plan. Anderson asked for it to depict pedestrian access. The Board discussed the slope of the pedestrian access and that it should be 50' wide instead of 20'. Golledge agreed to submit a plan including the easement.

Johnson discussed changes to mitigation: use of units, changes in floor plans, removal of lofts, and an additional payment that they did not agree to. Barrett asked if it makes the project unecomonic. Johnson stated that it does not, but that they worked with the Board & it won't remedy anything caused by the project. Barrett gave a background on the condition including that she informed Johnson that it would be in the draft decision. The figure in conditions D.1.e & f are based on a cost estimate provided by DPW staff after reviewing the applicant's plan & prevailing wages. The additional money helps mitigate the addition of people to the site and the public benefit from water quality. Without the money, the easement will not serve a function. Ray Cormier, the applicant, added that the Town is currently meeting regarding improvements to Route 133 and that anything in Zone A would be brought up to MA DEP standards. Johnson stated that the applicant wants the 1 bedroom units with lofts (15/building), which would raise \$110,000 to contribute towards construction of the facility.

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The Board then discussed noise mitigation. Wallace explained that sound proofing windows would be installed, at a minimum, with an STC rating of 48 for bedrooms facing Route 93 directly. Brown asked about the windows to be installed on the wings. The standard 27-32 STC rating windows will be used.

Keith Saxon expressed concern for the proximity of the trash to the wetlands, asking that it be further away, and that the 10'x20' trash collection area does not include recycling containers. Additional space should be added for recycling. The Board & the applicant agreed that a condition regarding recycling shall be included. Anderson asked Saxon to submit language to Ms. Barrett to be used in the condition.

Mary Carbone, resident on Cyr Circle, asked Cormier about plans for Route 133 improvements. Cormier & Johnson informed her that the Town is actively working on the Shawsheen Square to Greenwood Road section of Route 133. She asked the Board to consider the overall area to minimize impact on the area.

At the next meeting the Board will review the revised draft approval, continue the hearing and deliberate. Baime made a motion to continue the public hearing to November 1, 2012 at 6:30 p.m. Brown seconded the motion & the Board voted (5-0) to continue the hearing to 11/1/12 at 6:30 p.m.

Brown then made a motion to adjourn the meeting. Jeton seconded the motion & the Board voted unanimously to adjourn the meeting.